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(FJL:3210)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SALEEM JAVED and IRIS JAVED,

Plaintiffs, :  
: NOTICE OF CROSS-MOTION  
- v. - : 06 Civ. 1682 (SAS)  
ALBERTO GONZALES, Attorney General : ELECTRONICALLY FILED  
of the United States; MICHAEL CHERTOFF, :  
Department of Homeland Security Secretary; and :  
MARY ANN GANTNER, Director, Citizenship :  
and Immigration Services, New York City District; :  
: Defendants.  
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PLEASE TAKE NOTICE that upon the complaint; the “motion for review” of plaintiffs Saleem Javed and Iris Javed (collectively, “plaintiffs”), and the memorandum of law accompanying this notice, defendants Alberto Gonzales, Attorney General of the United States; Michael Chertoff, United States Secretary of Homeland Security; and Mary Ann Gantner, District Director of the New York District office of United States Citizenship Immigration Services (“CIS”)<sup>1</sup> (collectively, “defendants” or “Government”), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will cross-move this Court before the Honorable Shira A.

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<sup>1</sup>Andrea Quarantillo has succeeded Mary Ann Gantner as the District Director of the CIS’s New York District and, therefore, her name should be substituted as a defendant, pursuant to Fed. R. Civ. P. 25(d)(1).

Scheindlin, United States District Judge, Daniel Patrick Moynihan United States Courthouse, Courtroom 23A, 500 Pearl Street, New York, New York 10007, on Friday, March 2, 2007, at 9:00 a.m., to dismiss the complaint for lack of subject matter jurisdiction and failure to state a claim upon which the Court may grant relief, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, and for such other relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that this motion is made on submission, that neither party should appear on the return date of the motion, and that oral argument will not be heard, unless so directed by the Court.

Dated: New York, New York  
January 22, 2007

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Southern District of New York  
Attorney for Defendants

By: /s/  
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